

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Katsumi Azusawa, et al.) : Examiner: Nhan T. Tran
Appln. No.: 09/356,692) : Group Art Unit: 2615
Filed: July 20, 1999) : Confirmation No.: 8167
For: IMAGE PICKUP APPARATUS) : March 24, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.182, TO AMEND ABANDONED APPLICATION BY
INSERTING PRIORITY CROSS-REFERENCE (EX PARTE SAMPSON PETITION)

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.182 to request entry in the subject abandoned application, namely Application No. 09/356,692 filed July 20, 1999, of the attached Second Preliminary Amendment and the attached Supplemental Application Data Sheet in order to provide a cross-reference in that application to parent applications under 35 U.S.C. § 120. See also 37 C.F.R. § 1.78.

12/22/2008 LDIEP1 00000003 061205 09356692
01 FC:1462 400.00 DA

FACTS

1. Application No. 07/715,457 ("Application 1") was filed on June 14, 1991.
2. Application No. 07/928,099 ("Application 2") was filed on August 13, 1992, as a file wrapper continuation application under former 37 C.F.R. § 1.62 of Application 1.
3. Application 2 contained a cross-reference to Application 1. (See August 13, 1992 Request Form for File Wrapper Continuing Application Under 37 C.F.R. § 1.62, p. 3.)
4. Application No. 08/380,336 ("Application 3") was filed on January 30, 1995, as a file wrapper continuation application under former 37 C.F.R. § 1.62 of Application 2.
5. Application 3 contained a cross-reference to Applications 1 and 2. (See January 30, 1995 Request Form for File Wrapper Continuing Application Under 37 C.F.R. § 1.62, p. 3.)
6. The present application, Application No. 09/356,692 ("Application 4"), was filed July 20, 1999, as a continuation under 37 C.F.R. § 1.53(b) of Application 3.
7. Application 4 contained a cross-reference to Application 3, but did not contain in the specification or Application Data Sheet a cross-reference to Applications 1 and 2. (See Application Data Sheet filed April 9, 2003 in Application 4.)
8. Application No. 10/698,367 ("Application 5") was filed on November 3, 2003, as a continuation under 37 C.F.R. § 1.53(b) of Application 4, and is pending.
9. Application 5 contained a cross-reference to Applications 1-4. (See November 3, 2003 Preliminary Amendment and Application Data Sheet in Application 5.)

REASONS WHY THE RELIEF REQUESTED SHOULD BE GRANTED

In a chain of applications claiming benefit under 35 U.S.C. § 120, if each application in the chain includes a cross-reference to all prior applications, the cross-reference requirement of that statute is satisfied. Here, in a chain of five applications, Application 5 included a cross-reference to Applications 1 through 4, Application 3 included a cross-reference to Applications 1 and 2, and Application 2 included a cross-reference to Application 1, but Application 4 included only a cross-reference to Application 3 and inadvertently omitted a cross-reference to Applications 1 and 2. Accordingly, Patentees wish to amend Application 4 *nunc pro tunc* to include a cross-reference not only to Application 3 but also to Applications 1 and 2. Such an amendment will insure that each of the applications in the chain included a cross-reference to all prior applications.

FORMAL MATTERS

Any required petition fee should be charged to Deposit Account 06-1205.

REQUEST FOR INTERVIEW

If any questions remain, Applicants respectfully request that the Office of Petitions contact Applicants' undersigned representative to schedule a personal interview.

CONCLUSION

In view of the foregoing, Applicants respectfully request that the relief requested be granted. Favorable consideration is earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

DSG/lip

FCHS_WS 2051969v1